

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO WHEELER,

Plaintiff,

vs.

GALLAGHER INSURANCE COMPANIES,
et al.,

Defendants.

Case No.: 2:24-cv-00671-GMN-DJA

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pending before the Court is the Order and Report and Recommendation (“R&R”), (ECF No. 14), of United States Magistrate Judge Daniel J. Albregts, which recommends reopening this case due to excusable neglect and granting Plaintiff’s application to proceed *in forma pauperis*. (See generally R&R).

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. See, e.g., *United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. (See R&R, ECF

1 No. 14) (setting March 31, 2025, deadline for objections). The Magistrate Judge reasoned that
2 Plaintiff's explanation that he was not aware of certain deadlines due to his homelessness
3 constituted excusable neglect, and noted that Plaintiff's application to proceed in forma
4 pauperis appeared complete and accurate. (*Id.*).

5 Accordingly,

6 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 14), is
7 **ACCEPTED and ADOPTED** in full.

8 The Clerk of Court is kindly requested to re-open this case.

9 Dated this 3 day of April, 2025.

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13 Gloria M. Navarro, District Judge
14 United States District Court
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